

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2015

CORAM:

THE HON'BLE MR.JUSTICE R.S.RAMANATHAN

Crl.O.P.Nos.8330 and 8331 of 2015

A.G.Gopal

..Petitioner in both Crl.O.Ps.

Vs.

- 1.The Commissioner cum Chief Secretary ,
Government of Tamil Nadu,
Fort St.George,
Chennai 600 009.
- 2.The Secretary,
(Home Department)
Government of Tamil Nadu,
Fort St.George,
Chennai 600 009.
- 3.The Inspector General of Registrations,
Santhome,
Chennai 600 004.
- 4.The Sub Registrar,
G.S.T.Road,
Guduvanchery,
Kancheepuram District 603 202.
- 5.The Inspector of Police,
H-1, Otteri Police Station,
Mannivakkam,
Chennai 600 048.
- 6.Jayanathan
- 7.The Secretary,
Ministry of Law,
Union of India,
New Delhi 110 001.

...Respondents 1 to 6 in both Crl.O.Ps.

8. The Secretary,
Ministry of Law,
Government of Tamil Nadu,
Fort St.George,
Chennai 600 009.

.. Respondents 7 & 8 in
Crl.O.P.No.8331 of 2014

Prayer in Crl.O.P.No.8330 of 2014 : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to direct 5th respondent to secure legal opinion from the appropriate person concerned for investigation in Crime No.71 of 2013, pending on the file of the 5th respondent, pursuant to the petitioner's complaint dated 05.07.2013, with regard to the legal efficacy of the registered irrevocable General Power of Attorney coupled with respect dated 01.06.1989 and 03.07.1990 under Document No.125 of 1989 and 128 of 1990, executed by the petitioner's predecessor's in title in favour of petitioner's wife, comprised in S.No.231/2B admeasuring 26 cents and Survey No.307/5, admeasuring 1 Acre and 6 cents of Mannivakkam Village, Chengalpet Taluk, Kancheepuram District respectively.

Prayer in Crl.O.P.No.8331 of 2014 : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to direct the 5th respondent to disregard the impugned order of legal opinion dated 13.11.2013 issued by the 6th respondent in Crime No.71 of 2013, pending on the file of the 5th respondent, pursuant to the petitioner's complaint dated 05.07.2013, relating to the petitioner's property and Survey No.231/2B, admeasuring 26 cents of Mannivakkam Village, Chengalpattu Taluk, Kancheepuram District.

For Petitioner : M/s.P.Karl Marx
For Respondents : Mr.M.Maharaja
Additional Public Prosecutor

सत्यमेव जयते

C O M M O N O R D E R

It is submitted by the learned counsel for the petitioner that on the complaint given by the petitioner, the case has been registered in Cr.No.71 of 2014 on the file of 5th respondent and the 5th respondent sought opinion of 6th respondent regarding the validity of irrevocable General Power of Attorney, coupled with interest and the

6th respondent has given an opinion against the petitioner and in the circumstances, the petitioner prayed for directing the 5th respondent to seek opinion from the appropriate competent person regarding the validity of irrevocable General Power of Attorney coupled with interest dated 01.06.1989 and 03.07.1990 under Document No.125 of 1989 and 128 of 1990, executed by the petitioner's predecessor's in title in favour of petitioner's wife in respect of the petitioner's property.

2. According to me, the prayer sought for in these petitions cannot be considered. The petitioner being a complainant cannot expect the police to conduct the investigation in the manner in which, he wants to conduct the investigation. Whenever the investigating officer entertained some doubts regarding the issue which is in civil nature, it is open to the investigation officer to get opinion from the Government Advocate or such other Law Officer of the Government and in this case, even according to the petitioner, the opinion was sought for from the Additional Government Pleader. Therefore, there is nothing wrong in getting opinion from the Additional Government Pleader, appointed by the Government to represent the Government cases before this Court. Further, the police has not filed any final report either accepting or rejecting the same and in the circumstances, the application of the petitioner that the police should refer the case as mistake of fact on the basis of the Additional Government pleader, has no basis. Hence these petitions are dismissed.

3. The 5th respondent is directed to complete the investigation and file a final report within a period of four months from the date of receipt of a copy of this order, in accordance with law.

Sd/-

Asst. Registrar.

/true copy/

Sub Asst. Registrar.

kkd

To

- 1.The Commissioner cum Chief Secretary ,
Government of Tamil Nadu,
Fort St.George,
Chennai 600 009.
- 2.The Secretary,
(Home Department)
Government of Tamil Nadu,
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- 3.The Inspector General of Registrations,
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- 4.The Sub Registrar,
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- 5.The Inspector of Police,
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- 6.The Secretary,
Ministry of Law,
Union of India,
New Delhi 110 001.
7. The Secretary,
Ministry of Law,
Government of Tamil Nadu,
Fort St.George,
Chennai 600 009.
8. The Public Prosecutor,
High Court, Chennai.

+1cc to Mr.P.Karl Marx, Advocate SR.No.18339

CrI.O.P.Nos.8330 and 8331 of 2015

jsv[col]
gp/13.4.2015

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